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In the claims:

1. (currently amended) A method implemented in a computer program application for updating software on a programmable device, the method comprising the steps of:

causing a server to establish two way communication between the server and the programmable device;

signaling the programmable device to restart;

updating, without being prompted via the programmable device, the software on the
programmable device in accordance with an updating process by transmitting at least one file from the server to the programmable device; and

testing the operation of at least a portion of the updated software on the programmable device,

whereby software on the programmable device is updated without intervention by a user of the programmable device.

2. (original) The method of claim 1 further comprising backing up at least a portion of the pre-existing software on the programmable device, and based upon the testing, restoring the backed portion of the software on the programmable device.

3. (original) The method of claim 2 wherein the backing up occurs on the programmable device.

4. (original) The method of claim 2 wherein the backing up occurs at the server.

5. (original) The method of claim 1 wherein the communications is over the Internet.

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6. (previously presented) The method of claim 2 further comprising the server signaling the programmable device to shut down and restart ready to receive instructions from the local automatic upgrade process prior to the backing up action.
7. (original) The method of claim 6 wherein there is a user definable delay between the signaling and the shutting down.
8. (previously presented) The method of claim 2 further comprising: sending a signal to a user-based upon an outcome of the testing.
9. (currently amended) A system for updating software on a programmable device comprising:
- a server; and
 - a programmable device able to be in two way communication with the server;
 - the server comprising computer software comprising instructions to cause the server to
 - establish two way communication with the programmable device;
 - signal the programmable device to restart;
 - update, without being prompted via the programmable device, software on the
 - programmable device in accordance with an update process; and
 - test the operation of at least a portion of the updated software on the programmable device,
 - whereby software on the programmable device is updated without intervention by a user
 - of the programmable device.

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10. (original) The system of claim 9 wherein the computer software further comprises instructions to

back up at least a portion of the software on the programmable device;
based upon the testing, restore at least a portion of the backed up software onto the
programmable device.

11. (original) The system of claim 10 wherein the back up occurs at the server.

12. (original) The system of claim 9 wherein the communication is over the Internet.

13. (previously presented) The system of claim 10 wherein the computer software further
comprises instructions to cause the server to signal the programmable device to shut down and
restart ready to receive instructions from the local automatic upgrade process prior to the back
up.

14. (previously presented) The system of claim 13 wherein a user definable delay between the
signaling and the shutting down is provided.

15. (currently amended) A computer program product, tangibly stored on a computer-readable
medium, for updating software on a programmable device, comprising instructions operable to
cause a programmable processor to:

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establish communication with the programmable device over a two way communications medium;

backup at least a portion of the software on the programmable device;

update, without being prompted via the programmable device, software on the
programmable device in accordance with an update process; and

test the operation of at least a portion of the updated software on the programmable device,

whereby software on the programmable device is updated without intervention by a user
of the programmable device.

16. (original) The product of claim 15 further comprising computer software comprising instructions to cause the server to restore at least a portion of the backed up software on the programmable device based upon the testing.

17. (original) The product of claim 16 wherein back up occurs on the programmable device.

18. (original) The product of claim 16 wherein the backing up occurs at the server.

19. (original) The product of claim 15 wherein the communication is over the Internet.

20. (previously presented) The product of claim 15 further comprising instructions operable to cause a programmable processor to cause the server to signal the programmable device to shut down and restart ready to receive instructions from the local automatic upgrade process prior to

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the backing up step.

21. (original) The product of claim 20 wherein there is a user definable delay between the signaling and the shutting down.

22. (previously presented) The product of claim 15 further comprising instructions to: send a signal to a user based upon a testing outcome.

23. (previously presented) The method of claim 1 wherein the programmable device restarts running the updated software if the programmable device passes the testing.

24. (previously presented) The system of claim 9 wherein the programmable device restarts running the updated software if the programmable device passes the testing.

25. (previously presented) The product of claim 15 wherein the programmable device restarts running the updated software if the programmable device passes the testing.